IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

FIRST APPEAL NO.163 OF 2000

United India Insurance Co.Ltd.
A-402, Plot No.23, Sai Krupa,
Sector-17, Vashi, Navi Mumbai. Appellant
(Org.Insurer)

vs.

1. Mrs.Vandana Deepak Jaisingh,
Aged 45 years, occ.Advocate,
R/at:208, B-Jal Darshan, Ruia Park,
Juhu, Mumbai 400 049.

2. Mr.Deepak G. Jaisingh,
R/at: 208, B-Jal Darshan, Ruia Park,
Juhu, Mumbai 400 049. Respondents
(Org.Applicant & Org.
Opp. Party.)

Mr.S.R.Singh for the appellant.

CORAM : ANOOP V. MOHTA,J.

DATED : 18th July, 2007

ORAL JUDGMENT:

The present appeal is by the United India Insurance Co.Ltd. i.e. the original insurer and thereby challenged the order passed by the Motor Accidents Claims Tribunal, Mumbai dated 31.8.1999 whereby the applicant (original claimant)'s application under Section 140 of the Motor Vehicles Act, 1988 on account of the personal injury involving the motor belongs to opponent-party, who is husband of the applicant has been allowed and insurer has been directed to pay Rs.25,000/- to the applicant on or before 31.10.1999 and the

applicant has deposited that amount. The original claimant has withdrawn the said amount.

2. Admittedly, the main claim as filed by the applicant/claimant is still pending before the Tribunal. Therefore, keeping all points open and without referring to any submission as raised by the learned counsel for the appellant herein, I am not inclined to interfere with the order passed by the Tribunal at this stage of the proceeding. The interim award as granted under such provision is always subject to the adjustment while passing the final award by the Tribunal. Therefore, while passing the final award, the Tribunal should consider this amount and pass appropriate order. However, in case the appellant herein i.e. insurer succeeds in their submission the said amount of Rs.25,000/- is liable to be recovered from the owner, subject to adjustment, if any. The Tribunal, therefore, will pass appropriate order while disposing of the main application.

3. Resultantly, the present appeal is disposed of in the above terms. No costs.

[ANOOP V. MOHTA,J.]